GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

PUBLIC SERVANTS - Housing Department - Allegations of acquisition of assets disproportionate to the known sources of income against Sri G.Gowri Shankar Rao, formerly Assistant Engineer, A.P. State Housing Corporation Limited, Bobbili, Vizianagaram District - Criminal action and Departmental action were initiated against the Accused Officer - The Accused Officer acquitted in respective Hon'ble Courts in both the cases - Further action dropped - Orders - Issued.

HOUSING (VIG.CELL) DEPARTMENT

G.O.Rt.No.20 **Dated:29.04.2023.**

Read the following:-

1. From the Director General, ACB, Andhra Pradesh Letter Rc.No.147/RCA-VVZ/93-S, dated 13.2.1996.
2. Government Letter No. 6334/RH.1/93-24, dated 13.11.1997.
3. From the MD, APSHCL Procds. No.A2/293/93, dated 29.11.1997.
4. From the MD, APSHCL, Letter No.Vig.1/2913/VZM/1993, dated 4.03.2003.
5. From the Hon'ble Spl.Judge for ACB cases, Visakhapatnam, Judgment in C.C. No. 20/1998, dated 10.10.2005 received through Letter No.147/ RCA-VVZ/ 1993, dated 23.11.2005 of the Director General, ACB, Hyderabad.
6. G.O.Rt.No.440, Housing (VC) Department, dated 28.12.2005.
7. From the Spl.Judge for ACB cases, Visakhapatnam, Judgment in C.C.No. 19/1998, dated 03.04.2006 received through Letter No.147/ RCA- VVZ/1993, dated 14.06.2006 of the Director General,ACB, Hyderabad.
8. From the DG, ACB, Letter No.147/RCA-VVZ/1993-12, Dated.18.5.2013.
9. Govt. Letter No. 2161/VC/A1/2001-33, dated 27.10.2014.
10. From the M.D., APSHCL Letter No.2913/ACB/V2/VZM/1993, dated 21.10.2015.
11. Representation of Sri G. Gowri Shankar Rao, dated "Nil" addressed to the VC, A.P. Vigilance Commission.
12. From the Hon'ble High Court of Andhra Pradesh, Judgment in CC.No.20/1998, dated: 22.01.2018.

@ @ @

O R D E R :-

Whereas, it has been brought to the notice of the Government that Sri G.Gowri Shankar Rao, former Assistant Engineer, Andhra Pradesh State Housing Corporation Limited, Bobbili, Vizianagaram District has acquired assets disproportionate to the known sources of his legal income. The Anti-Corruption Bureau authorities have registered a case in Crime No.14/RC-ACB/VZM/93 U/s 13(2) r/w 13(1)(e) of the Prevention of Corruption Act, 1988 against Sri G.Gowri Shankar Rao on 11.12.1993 and investigated into the matter. In the reference 1st read above, the Director General, Anti Corruption Bureau, Andhra Pradesh has submitted the Final Report recommending to prosecute Sri G.Gowri Shankar Rao, former Assistant Engineer, Andhra Pradesh State Housing Corporation Limited, Bobbili, Vizianagaram District for acquiring assets disproportionate to the known sources of his legal income, in the Court of law U/s 13(2) read with 13(1) (e) of Prevention of Corruption Act, 1988; and to initiate Departmental action against him for violation of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 for acquisition of disproportionate assets without obtaining prior permission or ratification from the competent authority.

(P.T.O)

2) And whereas, the Government after examination of the Final Report of the Director General, Anti-Corruption Bureau, Andhra Pradesh in detail have decided to (i) Prosecute the Accused Officer in a Court of Law; and (ii) to initiate Departmental action for violation of the APCS (Conduct) Rules, 1964 against the Accused Officer. Accordingly, sanction orders for prosecution of the Accused Officer in a Court of Law by the Bureau; and for initiation of Departmental action against the Accused Officer were issued vide references 3rd and 4th cited, respectively.

3) And whereas, the Government, after following due procedure in vogue, have initiated Departmental proceedings U/r 20 of APCS (CC&A) Rules, 1991 against the Charged Officer by issuing Articles of Charge and directed the Charged Officer to submit his Written Statement of Defence on the Charges framed against him. Sri P.Sreeramulu, D.M(H), Visakhapatnam was appointed as Inquiry Authority to Inquire into the Charges framed against the Accused Officer and to submit his Inquiry Report.

4) And whereas, the Accused Officer was acquitted by the ACB Court both in C.C.No.19/1998 on the allegations of acquisition of disproportionate assets; and C.C.No.20/1998 on the allegations of misappropriation of Government funds, respectively. The Director General, ACB has opined that, there are no grounds to prefer an appeal on the acquittal of the Accused Officer in C.C.No.19/1998. The Criminal Appeal No.910/2006 filed against the acquittal of the Accused Officer in C.C.No.20/1998 by the DG, ACB was also dismissed by the Hon'ble High Court in its Judgment dated 22.01.2018.

5) And whereas, the Inquiring Authority has inquired into all the Charges framed against the Accused Officer and submitted his report. Government, after careful examination of the findings of the I.A., have observed that since the APCS(CC&A) Rules, 1991 and the APCS(Conduct) Rules, 1964 have been adopted by the APSHCL with effect from 26.05.1998 and the Criminal case was registered against the Accused Officer on 11.12.1993, the said rules are not applicable to him.

6) After careful examination of the entire matter; having regard to the Judgments of both Hon'ble ACB Court & Hon'ble High Court of AP; and the non-applicability of APCS(CC&A) Rules, 1991 & APCS(Conduct) Rules, 1964 to the A.O. in the instant case, Government have decided :-

(i) to drop further action against the Accused Officer, Sri G.Gowri Shankar Rao, A.E., APSHCL, formerly at Bobbili, Vizianagaram District in respect of the Criminal case in CC.No.19/1998 on the allegation of 'acquisition of disproportionate assets' as he was acquitted in Trial Court and the DG, ACB has opined that there are no grounds to prefer an appeal; and also in CC.No.20/1998 on the allegation of 'misappropriation of Govt. funds to a tune of Rs.2120/-' as the Accused Officer was also acquitted in the Trial Court and the Criminal Appeal No.910/2006 filed by the ACB against the acquittal was dismissed by the Hon'ble High Court of A.P.;

(AND)

(ii) to drop further action against Accused Officer, Sri G.Gowri Shankar Rao, A.E., APSHCL, formerly at Bobbili, Vizianagaram District on the Charge of 'violation of the APCS (Conduct) Rules, 1964' in the case of disproportionate assets registered against him in the year of 1993 since the APCS (Conduct) Rules, 1964 are not applicable to him up to the year of 1997 and the A.P. State Housing Corporation Ltd. has adopted the said rules and made them applicable to its employees with effect from 1998 only, as per the G.O.Ms.No.33, Housing (RH) Department, dt:26.05.1998.

(Contd....3)

7) Accordingly, Government hereby drop further action against the Charged Officer, Sri G.Gowri Shankar Rao, former Assistant Engineer, Andhra Pradesh State Housing Corporation Limited, Bobbili, Vizianagaram District on both the allegations of (i) acquisition of assets disproportionate to the known sources of his income; and (ii) for violation of APCS (Conduct) Rules, 1964, and APCS(CC&A) Rules, 1991.

8) The Managing Director, A.P.State Housing Corporation Limited, Vijayawada shall take further necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJAY JAIN
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri G.Gowri Shankar Rao, former Assistant Engineer, Andhra Pradesh State Housing Corporation Limited, Bobbili, Vizianagaram District **Through** the Managing Director, A.P.State Housing Corporation Limited, Autonagar, Vijayawada.
The Managing Director, A.P.State Housing Corporation Limited, Autongar, Vijayawada.

Copy to:-
The Secretary to Vigilance Commissioner, A.P. Vigilance Commission, Velagapudi.
The Director General, Anti-Corruption Bureau, Andhra Pradesh, 2nd Floor, NTR Administrative Block, Pandit Nehru Bus Station, Vijayawada-520001.
The PS to Additional Secretary to Hon'ble CM.
The PS to Minister (Housing).
The PS to Spl.Chief Secretary to Government(Housing).
Sf / Sc.

// FORWARDED :: BY ORDER //

T. Suryanarayana
SECTION OFFICER